

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE ORTIZ p/k/a JAO

Plaintiff,

07 CV 3897  
(RWS)

-against-

GUITIAN BROTHERS MUSIC INC., OSCAR  
GUITIAN, and UNIVERSAL MUSIC GROUP  
DISTRIBUTION, INC.

**PLAINTIFF'S RESPONSE TO  
UNIVERSAL'S STATEMENT OF  
UNDISPUTED FACTS  
PURSUANT TO  
LOCAL RULE 56.1**

Defendant(s).

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Pursuant to Local Rule 56.1(b) Defendant, by its attorneys, Robinson Brog Leinwand Greene  
Genovese & Gluck, P.C., responds to Defendant Universal Music Group Distribution Corp.'s  
("Universal") statement of material facts (the "Statement") as follows:

1. Plaintiff does not object to the statements made by Universal in Paragraph 1 of its  
Statement.
2. Plaintiff does not object to the statements made by Universal in Paragraph 2 of its  
Statement.
3. Plaintiff does not object to the statements made by Universal in Paragraph 3 of its  
Statement.
4. Plaintiff does not object to the statements made by Universal in Paragraph 4 of its  
Statement.
5. Plaintiff does not object to the statements made by Universal in Paragraph 5 of its  
Statement.

6. Plaintiff in part objects to Defendant's statement in Paragraph 6. Plaintiff clarifies that Defendants' Copyright Registration and Notices do not concern the musical compositions underlying the Score of the Motion Picture.

7. Plaintiff does not object to the statements made by Universal in Paragraph 7 of its Statement.

8. Plaintiff does not object to the statements made by Universal in Paragraph 8 of its Statement.

9. Plaintiff does not object to the statements made by Universal in Paragraph 9 of its Statement.

10. Plaintiff does not object to the statements made by Universal in Paragraph 10 of its Statement.

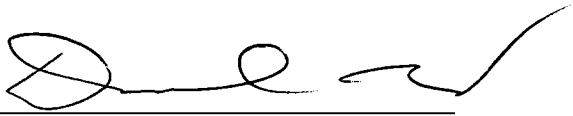
11. Plaintiff in part objects to Defendant's statement in Paragraph 11. It is correct that on August 3, 2005, Plaintiff obtained a copyright registration from the United States Copyright Office. It remains to be clarified that this registration concerned the musical compositions underlying the thirteen (13) tracks that constitute the Score of the Motion Picture. The Copyright Office issued the copyright registration for the musical compositions in Plaintiff's name, Registration No. PA-1-289-403, issued August 3, 2005. Affidavit of Jose Ortiz, Exhibit "A."

12. Plaintiff does not object to the statements made by Universal in Paragraph 12 of its Statement.

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DATED: June 13, 2008  
New York, New York

ROBINSON BROG LEINWAND GREENE  
GENOVESE & GLUCK P.C.

By:   
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